

**REMARKS**

**Introduction**

Claims 1-17, 19-23, 25-74, and 77-98 are pending in the present application. In view of the following remarks, it is respectfully submitted that claims 1-17, 19-23, 25-74, and 77-98 are allowable. Reconsideration of the present application is requested.

**Rejection of Claims 1-17, 19-23, 25-74 and 77-98 under 35 U.S.C. § 103(a)**

Claims 1-17, 19-23, 25-74, and 77-98 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,657,647 to Bright (“Bright”) in view of U.S. Patent No. 6,362,817 to Powers et al. (“Powers”). Applicants respectfully submit that this rejection should be withdrawn in view of the following remarks.

The pending independent claims of the present application (1, 17, 20, 23, 31, 47, 52, 62, 66, 77, 83, 84, 85, 93, 94, 95, 96 and 97) each contain limitations directed to creating an overlay plane or layer including an object to be displayed, and displaying that object by overlaying the plane or layer in the window. As described on page 8 of the specification, “according to the present invention, overlaying is a drawing technique where objects are overlaid with a background resulting in a final presentation where the objects and background appear to be integrated.” Thus, for an object to be overlaid in a application window in accordance with the pending claims, there must be both an overlay plane or layer containing the object and a background window or layer for the overlaid object to appear integrated with. As discussed below, neither Bright or Powers describe an overlay plane that integrates with a background window.

The Bright reference describes a method and system for rendering the text and graphics in an Internet webpage in a particular order. Bright describes identifying the location of a user’s cursor on the screen and rendering first the text and graphic objects closest to the location of the cursor (see, e.g., 2:17-26). Applicants respectfully disagree with the Examiner’s argument that Bright describes “creating an overlay plane including the object”. The section of Bright referenced by the Examiner in support of this statement (4:11-21) does not describe creating and

rendering an overlay plane but rather describes an “object model representation” of the webpage to be rendered. The only use of the word overlay in the Bright reference is in column 3, line 18, but this reference is to a graphic hypertext link, not the overlay plane of the present application. That this is only referring to a graphic hypertext link is confirmed by the HTML code shown below column 4. Bright thus describes only a background window and does not describe a separate plane or layer that overlays the background. The invention recited in the pending claims could overlay a background (like that described in Bright) with an object in an additional plane or layer, but Bright does not describe such an overlaying plane or layer.

The Powers reference describes a system for generating a three-dimensional environment using a plain text file “symbolic map” to define the 3-D environment (see, e.g., 3:42-63). The Powers reference further describes allowing a user to move through the 3-D environment to change viewpoint position and line-of-sight direction (see, e.g., 7:48-64). Applicants respectfully disagree with the examiner that the “pop-up” signs or menus described in Powers (see, e.g., 4:1-40) teach the overlay planes of the present application. As described in Powers, the “pop up” signs and menus are created in the virtual 3-D dimensional space and can be navigated to and around by a user. These “pop ups” are not overlaid in the window of the software application but rather exist in the 3-D virtual space of the application. Similarly to Bright, Powers describes only a background window or layer and does not describe a plane or layer that overlays the background.

Furthermore, in Powers the application user “moves” through the virtual 3-D space and objects appear in the window based on the location of the user in the 3-D space which may be controlled by the movement and location of the user’s pointer. Thus, the objects are not “displayed in a predetermined location relative to the window that is independent of a location of a pointing device” as recited in the claims.

In contrast to Bright and Powers, the pending independent claims of the present application (1, 17, 20, 23, 31, 47, 52, 62, 66, 77, 83, 84, 85, 93, 94, 95, 96 and 97) each contain limitations directed to creating an overlay plane or layer including an object to be displayed, and displaying that object by overlaying the plane or layer in the window. As discussed above, neither Bright or Powers teaches

creating an overlay plane or layer including an object to be displayed, nor do they teach displaying the object by overlaying the plane or layer.

Thus, for at least the above-discussed reasons, the pending independent claims of the present application are allowable over the combination of Bright and Powers. All of the remaining pending claims are dependent on the independent claims, thus they are allowable for at least the reasons that the independent claims are allowable.

Furthermore, all of the pending claims are allowable because the combination of the rendering of a virtual 3-D space of Powers and the 2-D rendering of a webpage of Bright is inappropriate. Applicants respectfully disagree with the Examiner's conclusion that one of ordinary skill in the art would be motivated to combine Bright and Powers because Powers explicitly criticizes the 2-D nature of the webpages of Bright (see, e.g., Powers at 2:15-36) and thus teaches away from the combination.

### **Conclusion**

Applicants respectfully submit that all pending claims of the present application are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

The Office is authorized to charge any fees associated with this response to Kenyon & Kenyon LLP Deposit Account No. 11-0600.

Respectfully submitted,

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